

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.,

Plaintiff, Counter-
defendant

v.

APPLE INC.,

Defendant,
Counterclaimant.

Case No. 4:19-cv-03074-YGR

**[PROPOSED] ORDER RE: DEFENDANT
APPLE INC.'S MOTION TO PARTIALLY
SEAL PORTIONS OF THE PARTIES'
TRIAL EXHIBITS AND LIVE TRIAL
TESTIMONY RELATED THERETO**

Defendant Apple Inc. has filed a Motion to Partially Seal Portions of the Parties' Trial Exhibits and Live Trial Testimony Related Thereto (the "Motion"). In support, Defendant Apple Inc. ("Apple") filed the supporting declaration of Rachel S. Brass.

Having considered the Motion, all associated declarations, exhibits, and any argument of counsel, and for good cause appearing:

IT IS HEREBY ORDERED that the Motion is **GRANTED**. Accordingly:

- (1) To the extent the documents sought to be sealed by the Motion are introduced into evidence at trial, those documents shall remain under seal, for reasons articulated in the table below;
- (2) the Court shall temporarily limit public access to the trial proceedings to those present live in the courtroom while sealable information related to trial exhibits is being discussed; and
- (3) portions of the transcript related to such sealable information are additionally ordered sealed.

Trial Exhibit No.	Reason for Sealing and Evidence Offered in Support	Grant or Deny
DX-3122	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
DX-3137	Contains confidential competitively sensitive information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17. Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
DX-3174	Contains confidential competitively sensitive information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
DX-3248	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
DX-3323	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
DX-3377	Contains confidential competitively sensitive information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	

Trial Exhibit No.	Reason for Sealing and Evidence Offered in Support	Grant or Deny
DX-3381	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
DX-3446	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
DX-3447	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
DX-3465	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
DX-3479	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17. Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
DX-3516	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
DX-3685	Contains confidential information that could be used to evade Apple's security protocols. Brass Decl. ¶¶ 10-13.	
DX-3773	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
DX-3789	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17. Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
DX-3820	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17. Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9. Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	

Trial Exhibit No.	Reason for Sealing and Evidence Offered in Support	Grant or Deny
DX-3896	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
DX-3911	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
DX-4089	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
DX-4094	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17. Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9. Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
DX-4149	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
DX-4170	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17. Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
DX-4178	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17. Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9. Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
DX-4199	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
DX-4214	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	

Trial Exhibit No.	Reason for Sealing and Evidence Offered in Support	Grant or Deny
DX-4312	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
DX-4495	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
DX-4611	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
DX-5525	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17. Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
DX-5338	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
PX-0059	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17. Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
PX-0092	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
PX-0191 ¹	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
PX-0201	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
PX-0302	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	

¹ Apple moved to provisionally seal PX-0191 which implicates Amazon's business. Apple provided notice of the motion to Amazon so that it may support sealing of such documents if it so chooses.

Trial Exhibit No.	Reason for Sealing and Evidence Offered in Support	Grant or Deny
PX-0303	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
PX-0314	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
PX-0413	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
PX-0414	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
PX-0432	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
PX-0462	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
PX-0469	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
PX-0514	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
PX-0520	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
PX-0602	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
PX-0603	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
PX-0604	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
PX-0605	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	

Trial Exhibit No.	Reason for Sealing and Evidence Offered in Support	Grant or Deny
PX-0606	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
PX-0607	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
PX-0608	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
PX-0611	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
PX-0612	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
PX-0747	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
PX-0750	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
PX-0850	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
PX-2006	Contains confidential information that could be used to evade Apple's security protocols. Brass Decl. ¶¶ 10-13.	
PX-2051	Contains confidential information that could be used to evade Apple's security protocols. Brass Decl. ¶¶ 10-13.	
PX-2061	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
PX-2075	Contains confidential information that could be used to evade Apple's security protocols. Brass Decl. ¶¶ 10-13. Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
PX-2089	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	

Trial Exhibit No.	Reason for Sealing and Evidence Offered in Support	Grant or Deny
PX-2090	Contains confidential information that could be used to evade Apple's security protocols. Brass Decl. ¶¶ 10-13.	
PX-2102	Contains confidential information that could be used to evade Apple's security protocols. Brass Decl. ¶¶ 10-13.	
PX-2108	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
PX-2116	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
PX-2121	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
PX-2126 ²	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
PX-2134	Contains confidential information that could be used to evade Apple's security protocols. Brass Decl. ¶¶ 10-13.	
PX-2140	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
PX-2142	Contains confidential information that could be used to evade Apple's security protocols. Brass Decl. ¶¶ 10-13.	
PX-2143	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
PX-2165	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
PX-2167	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	

² Apple moved to provisionally seal PX-2126 which implicates Amazon's business. Apple is provided notice of the motion to Amazon so that it may support sealing of such documents if it so chooses.

Trial Exhibit No.	Reason for Sealing and Evidence Offered in Support	Grant or Deny
PX-2168	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
PX-2171	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
PX-2172	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
PX-2174	Contains confidential information that could be used to evade Apple's security protocols. Brass Decl. ¶¶ 10-13.	
PX-2201	Contains confidential information that could be used to evade Apple's security protocols. Brass Decl. ¶¶ 10-13.	
PX-2237	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
PX-2240	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
PX-2245	Contains confidential information that could be used to evade Apple's security protocols. Brass Decl. ¶¶ 10-13.	
PX-2248	Contains confidential information that could be used to evade Apple's security protocols. Brass Decl. ¶¶ 10-13.	
PX-2262	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
PX-2272	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
PX-2295	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
PX-2297	Contains confidential information that could be used to evade Apple's security protocols. Brass Decl. ¶¶ 10-13.	

Trial Exhibit No.	Reason for Sealing and Evidence Offered in Support	Grant or Deny
PX-2302	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
PX-2303	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
PX-2306	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
PX-2308	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
PX-2309	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
PX-2311	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
PX-2313	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
PX-2326	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
PX-2327	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
PX-2328	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
PX-2331	Contains confidential information that could be used to evade Apple's security protocols. Brass Decl. ¶¶ 10-13.	
PX-2332	Contains confidential information that could be used to evade Apple's security protocols. Brass Decl. ¶¶ 10-13.	

Trial Exhibit No.	Reason for Sealing and Evidence Offered in Support	Grant or Deny
PX-2333	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
PX-2336	Contains confidential information that could be used to evade Apple's security protocols. Brass Decl. ¶¶ 10-13.	
PX-2337	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
PX-2340	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
PX-2342	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
PX-2343	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
PX-2350	Contains confidential information that could be used to evade Apple's security protocols. Brass Decl. ¶¶ 10-13.	
PX-2355	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
PX-2359	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
PX-2360	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
PX-2361	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
PX-2363	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9. Contains confidential competitively sensitive information that, if	

Trial Exhibit No.	Reason for Sealing and Evidence Offered in Support	Grant or Deny
	disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
PX-2364	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
PX-2366	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
PX-2367	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17. Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
PX-2369	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9. Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
PX-2376	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
PX-2377	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
PX-2378	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
PX-2379	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
PX-2380	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
PX-2382	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9. Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	

Trial Exhibit No.	Reason for Sealing and Evidence Offered in Support	Grant or Deny
PX-2385	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
PX-2387	Contains confidential information that could be used to evade Apple's security protocols. Brass Decl. ¶¶ 10-13.	
PX-2389	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
PX-2390	Contains confidential competitively sensitive information that, if disclosed, would out Apple at a competitive disadvantage. Brass Decl. ¶¶ 14-17.	
PX-2391	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
PX-2392	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	
PX-2897	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
PX-2907	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
PX-2913	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
PX-2914	Contains confidential third-party information that, if disclosed, would put innocent third parties at a competitive disadvantage. Brass Decl. ¶¶ 18-19.	
PX-2928	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage. Brass Decl. ¶¶ 8-9.	

IT IS SO ORDERED.

1 DATED: _____, 2021
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5 The Honorable Yvonne Gonzalez Rogers
6 United States District Judge
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